

Attorney's Docket No. 020600-285
Application No. 020600-285
Page 5

REMARKS

Applicants respectfully thank the Examiner for contacting Applicants' representative on June 26 and 27, 2003 regarding the captioned application. As requested by the Examiner, Applicants have amended claim 14 herein to replace categorising with "sorting" in order to better provide antecedent basis for the subject matter of claim 14. Thus, no new matter is introduced by way of the present Amendment.

CONCLUSION

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 30, 2003

By: Debryell
Deborah H. Yellin
Registration No. 45,904

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Attorney's Docket No. 020600-285
Application No. 020600-285
Page 1

Attachment to Supplemental Amendment and Reply

Marked-Up Claim

14. (Four Times Amended) A method for sorting nucleic acid, wherein said method comprises:

(i) digesting double-stranded nucleic acid with an endonuclease to produce a nucleic acid population, wherein said endonuclease is selected such that each nucleic acid in the resulting nucleic acid population has a sticky end of a known base sequence and of a known common length extending from a terminal of its double-stranded portion, and wherein each nucleic acid in the nucleic acid population has a double-stranded portion;

(ii) contacting the nucleic acid population with an adaptor to ligate the adaptor to a terminal of each nucleic acid in the nucleic acid population, wherein said adaptor comprises a double-stranded primer portion having a known base sequence, and a single-stranded portion complementary to the known sticky end of the nucleic acids in the nucleic acid population;

(iii) [categorizing] sorting the nucleic acid by isolating nucleic acids wherein both termini of the double-stranded portion of said nucleic acid correctly hybridize to an oligonucleotide sequence by contacting a first set of oligonucleotide sequences with the nucleic acid population by:

(a) denaturing the nucleic acid population in the presence of the first set of oligonucleotide sequences covalently linked to a solid phase support to produce a single-

Attorney's Docket No. 020600-285
Application No. 020600-285
Page 2

stranded nucleic acid population and allowing the single-stranded nucleic acid to hybridise to the first set of oligonucleotide sequences, wherein each oligonucleotide sequence in said first set of oligonucleotide sequences has a pre-determined recognition sequence, the nucleic acid being categorized by its ability to correctly hybridize to oligonucleotide sequences having the recognition sequence, the recognition sequence being situated such that it recognizes a sequence in the portion of the nucleic acid which was double-stranded after digestion with the endonuclease;

- (b) immobilizing those nucleic acids which correctly hybridise to the oligonucleotide sequence added to that well;
- (c) extending the correctly hybridised oligonucleotide sequences along the single-stranded portion of the immobilised nucleic acid to form double-stranded nucleic acid;
- (d) denaturing the double-stranded nucleic acid and removing non-immobilised species to isolate the resulting immobilised single-stranded nucleic acid;
- (e) contacting the immobilised single-stranded nucleic acid with a second set of oligonucleotide sequences, wherein each oligonucleotide sequence in said second set of oligonucleotide sequences has a pre-determined recognition sequence, the nucleic acid being categorized by its ability to correctly hybridize to oligonucleotide sequences having the recognition sequence, the recognition sequence being situated such that it recognizes a sequence in the portion of the nucleic acid which was double-stranded after digestion with the endonuclease;

Attorney's Docket No. 020600-285
Application No. 020600-285
Page 3

(f) extending the correctly hybridised oligonucleotide sequences along the immobilised single-stranded nucleic acid to form double-stranded nucleic acid;

(g) denaturing the double-stranded nucleic acid; and

(h) isolating the resulting non-immobilised single-stranded nucleic acid;

and

(iv) further sorting the isolated single stranded nucleic acid of step (h) by repeating step (iii) on the isolated single stranded nucleic acid of step (h), wherein the first set of oligonucleotide sequences is replaced by a third set of oligonucleotide sequences, each oligonucleotide sequence of the third set recognizing a further portion of the nucleic acid which was double stranded after digestion with the endonuclease, and wherein the second set of oligonucleotide sequences is replaced by a fourth set of oligonucleotide sequences, each oligonucleotide sequence of the fourth set recognizing a further portion of the nucleic acid which was double stranded after digestion with the endonuclease.